

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EUGENE CARNEY,</b> <b>Petitioner</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
<b>v.</b>	:	<b>NO. 13-3540</b>
	:	
<b>LOUIS FOLINO, et al.,</b> <b>Respondents</b>	:	
	:	

**ORDER**

**AND NOW**, this 17th day of December, 2013, upon careful consideration of the petition for writ of *habeas corpus*, and after review of the thorough and well-reasoned Report and Recommendation of the Honorable M. Faith Angell, United States Magistrate Judge, there being no objections thereto, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED.
2. The petition for writ of *habeas corpus* is placed in SUSPENSE until the conclusion of the petitioner's state post-conviction proceedings.
3. The petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings. If the petitioner does not return to federal court within that time, this stay and abeyance Order shall be vacated and his petition shall be dismissed without prejudice.
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

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/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.